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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,770	09/01/2006	Gordon J. Pike	GOWL-39540	7827
116 7590 02/13/2008 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER SWINEHART, EDWIN L	
			ART UNIT 3617	PAPER NUMBER
			MAIL DATE 02/13/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/566,770

**Applicant(s)**

PIKE, GORDON J.

**Examiner**

Ed Swinehart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-28 and 33-38 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 29-32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_

### DETAILED ACTION

1. The information disclosure statement filed 1/31/2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, "the universal..." lacks antecedent basis in the claims.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 12 and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant claims a "hydraulic, electrical and mechanical" system, yet as disclosed, such are alternative. Applicant has not disclosed

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how such are combined in a single system. Also, the combined electrical and hydraulic system as claimed has not been adequately disclosed.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5,17,19 and 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Haire.

O'Haire disclose the claimed evacuation module, including a floodable bay in an "offshore unit" (submarine) accommodating a submarine for transporting crew. The submarine **16** may be launched from the bay. The walls of the bay form a shaft which extends to a predetermined exterior portion of the offshore unit. The module includes means for flooding the bay. Once the bay is flooded, pressure variances will open the exterior door due to a buoyancy characteristic of the door.

Re "control system", such fails to define over the control system of O'Haire as noted above.

Re claim 18, since the goal of the launch is to save the crew and get them to safety, inherently such a craft will move to the surface.

8. Claims 1-5,14,19 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerolami et al.

Gerolami et al. discloses a vessel as that of O'Haire as discussed above, and also provides doors **10** positioned on opposite ends of the submarine bay.

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9. Claims 1-5,10,11,19,20 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoke, Jr.

Hoke, Jr. discloses the claimed evacuation module, including a floodable bay in an "offshore unit" (submarine) accommodating a submarine for transporting crew. The submarine may be launched from the bay. The walls of the bay form a shaft which extends to a predetermined exterior portion of the offshore unit. The module includes means for flooding the bay, means for opening the hatch, and a hook/reel assembly 41 with means for control.

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Haire in view of Woodland.

O'Haire et al. fails to mention the use of sonar on his submarine.

Woodland teaches the use of sonar on a life craft.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ a sonar on the submarine life craft of O'Haire as taught by Woodland.

Such a combination would have been desirable so as to provide the ability to avoid collision. Re "near the bay door", such is considered an inherency of such a sonar system.

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12. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoke, Jr. in view of Barhite et al.

Hoke, Jr. fails to disclose rollers.

Barhite et al. teaches guiding rollers.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide cradling/guiding rollers to Hoke, Jr. as taught by Barhite et al.

Such a combination would have been desirable so as to provide for reduced friction.

13. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoke, Jr. in view of Barhite et al. as applied to claim 25 above, and further in view of Woodland.

Woodland is applied as above.

14. Claims 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Haire.

The examiner takes official notice, that the claimed evacuation procedure is old and well known, and further falls within the realm of common sense. To have personnel gather at a muster station and be counted/logged is standard cruise ship evacuation procedure. The number of times they are to be counted is obvious to anyone working in the art. To physically check the operating status of the lifeboat is again standard procedure, and such would have been obvious to anyone evacuating a ship with the system of O'Hare.

15. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoke, Jr. in view of Sanders.

Hoke, Jr. fails to show use of his device in a pontoon.

Sanders teaches the use of a submarine hull as a pontoon.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of the submarine hull of Hoke, Jr. as a pontoon as taught by Sanders.

Such a combination would have been desirable so as to provide for further utility of the hull.

16. Claims 6-8 and 29-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Ed Swinehart/  
Ed Swinehart  
Primary Examiner  
Art Unit 3617**